

Members

Rep. Cleo Duncan, Chairperson
Rep. Eric Gutwein
Rep. Linda Lawson
Rep. Dan Stevenson
Sen. Ron Alting
Sen. Robert Jackman
Sen. Rose Antich-Carr
Sen. Allie Craycraft



RAIL CORRIDOR SAFETY COMMITTEE

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

James Sperlik, Fiscal Analyst for the Committee
Francine Rowley, Attorney for the Committee

Authority: P.L. 28-2000

MEETING MINUTES¹

Meeting Date: September 13, 2005
Meeting Time: 2:00 P.M.
Meeting Place: State House, 200 W. Washington St.,
Room 404
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Rep. Cleo Duncan, Chairperson; Rep. Eric Gutwein; Rep. Linda Lawson; Rep. Dan Stevenson; Sen. Ron Alting; Sen. Robert Jackman; Sen. Rose Antich-Carr; Sen. Allie Craycraft.

Members Absent: None.

The Chair called the meeting to order at 2:15 p.m. and introduced Committee members.

1. Automated Horn System (AHS)

Before recognizing the first presenter, Representative Duncan told the Committee that this issue was brought to her attention by Representative David Crooks.

Representative Lawson requested a moment of personal privilege and introduced a fourth-grade teacher who had brought along My Teddy Bear, which is used to teach a fourth-grade history class. Representative Lawson requested a photograph be taken of the teacher, the Committee members, and the Teddy Bear. Her request was granted and the photograph was taken.

The Chair introduced Mr. Chad Pfitzer, Purdue Extension in Daviess, County. Mr. Pfitzer spoke briefly on the AHS and turned over the presentation to Mr. Rich Mooney, a railroad consultant for Railroad Controls Limited (RCL) from Missouri. Mr. Mooney distributed Exhibit 1, *Automated Horn System*. Mr. Mooney proceeded to narrate a DVD on the AHS. This DVD is available from the Legislative Services Agency, Legislative Information Center. He also said that in May, the

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Federal Railroad Administration (FRA) adopted rules that require horn standards at grade crossings. Mr. Mooney said the AHS can be installed only at grade crossings with lights and gates because there is only a 30-second warning. Mr. Mooney said that the AHSs are sold to local governments who enter into agreements with the railroads to install the AHS. Local governments must maintain the AHS. Mr. Mooney said that the basic cost is about \$50,000 to install for a single track if RCL installs the system.

The Committee and Mr. Mooney engaged in discussions about the AHS. The Chair called upon Mr. Tom Beck, Director of the Railroad Division of the Indiana Department of Transportation (INDOT) to respond to a question. Mr. Beck told the Committee that the FRA has a quiet zone and has assumed responsibility for whistle bans. Now all whistle ban requests must go through the FRA.

In further discussion about the AHS, the Chair recognized several representatives from railroad unions to comment on the AHS. Union members, the Committee, and Mr. Mooney engaged in a discussion about various aspects of the AHS. INDOT representatives told the Committee that they would research whether enabling legislation is required for using the AHS in Indiana. This research would be passed along to the Committee staff. Mr. Mooney said that his company has no plans at the present time to install the AHS in Indiana.

2. Federal Highway Transportation Bill Recently Passed by Congress and its Implications for Indiana

Representative Duncan called upon Mr. Ryan Hoff, Legislative Liaison for the INDOT. Mr. Hoff distributed Exhibit 2, *Aggregate of FY 2005-2009 Apportionments*. This exhibit details the amount of money Indiana is to receive from the newly enacted Highway Bill. Mr. Hoff told the Committee that there are no homeland security funds in the new Highway Bill. He said that he would investigate further if there are other funds available for rail corridor safety. Mr. Hoff said that the new bill provides Indiana with an additional \$4.4 B over the next five years. Mr. Hoff also provided the Committee with Exhibit 3, *Railway Highway Crossings*.

Mr. Chris Kiefer of INDOT told the Committee that this increase was the 7th largest increase in the nation. Mr. Kiefer also told the Committee that moving funds from one category to another is very limited. Mr. Beck commented that Indiana spends between \$5 M and \$10 M annually on rail grade crossing safety. Mr. Hoff told the Committee over the last decade, Indiana has reduced rail grade crossing accidents by 40%. In response to a Committee question, Mr. Hoff said that of the \$4.4 B, 25%, or \$1.1 B, is designated for local units that apply for the federal funds. Mr. Hoff also told the Committee that the additional \$4.4 B in federal funds over the next five years does not cover the projected \$2.1 B construction gap in Indiana.

3. Railroad Way Stations

Before introducing the presenters on this topic, the Chair said that she has no intention of any legislation coming out of this Committee on this topic. Representative Duncan said that this is a labor issue and as such should be addressed in a labor committee. However, she said that she would give everyone the opportunity to make a presentation today.

The Chair called on Mr. Jeff Bainter of the Brotherhood Maintenance of Way Employees (BMWE) Union. Mr. Bainter distributed Exhibit 4, *Talking Points on Enacting Code for Railroad Maintenance of Way Employee Housing*. Essentially, Mr. Bainter told the Committee that the camps provided by the Norfolk Southern are unsafe, unhealthy, and unsanitary. He said that he has asked the FRA to inspect these camps, but they have not returned his phone call. Mr. Bainter distributed photos of some of the camps. The Committee, railroad union members, and Mr. Bainter engaged in a discussion of the camps and the current situation.

The Chair recognized Mr. Tom Fruechtenicht and Carolyn Elliott of Bose Treacy Associates LLC, representing the Indiana Railroad Transportation Group of which Norfolk Southern is a member and their client. Mr. Fruechtenicht told the Committee that the way stations are not a big problem. Mr. Fruechtenicht introduced Mr. Randy Smith, General Supervisor for Norfolk Southern. Mr. Smith said that he handles repairs of all camps, cars, and vehicles. Mr. Smith distributed Exhibit 5, *TS-24 Gang (Crew) and TS-25 Gang (Crew)*, which showed the camps for the respective work crews. Mr. Smith said that the crews are charged \$1 per meal.

The Committee discussed the communications between the railroads and the unions. Mr. Bainter told the Committee that the FRA does not notify Norfolk Southern before it inspects. Committee members asked Mr. Smith how they might set up an inspection. Mr. Steve Martin of Norfolk Southern said that if the FRA wants to inspect on Monday, they should let them know by Friday.

Representative Duncan called upon Ms. Michele Milliken, Director of the Office of Legislative Affairs for the State Department of Health (SDOH). Ms. Milliken said that the SDOH was first notified of the conditions at some of the camps during the 2005 legislative session when the resolution was offered. She said that the photos showed deplorable conditions. She said that the SDOH can inspect without giving any prior notice to the railroad. Ms. Milliken said that she attended an inspection with local health department officials in Tipton, IN. She said that the local health department had a right to be on the property. Ms. Milliken said that Mr. Bainter directed them to the cars. She said that the SDOH was present, but was not supposed to be there.

Ms. Milliken told the Committee that the conditions were not the conditions they saw in the photos. She said that the local health department did not do an official inspection report because the violations were minimal. Ms. Milliken distributed Exhibits 6 and 7, *Registration Application for A Retail Food Establishment*, and sections of the *Indiana Administrative Code dealing with Food and Drugs*. Exhibit 8, *Retail Food and Inspection Report* by the Tipton County Health Department was distributed to the Committee.

Mr. Robert Watkins, Manager of the Environmental Health Division, Elkhart County Health Department, addressed the Committee. Mr. Watkins distributed Exhibit 9, a letter to Norfolk Southern Railroad, dated August 25, 2005, which details violations of the Indiana Retail Food Establishment Sanitation Requirements, Title 410 Indiana Administrative Code 7-24. Mr. Watkins told the Committee that he did not like being caught in a labor and management dispute.

The Committee and the various presenters engaged in further discussion on the topics presented.

The Chair announced that the next meeting would be October 3 at 1:00 p.m. This would be the final meeting.

Representative Duncan adjourned the meeting at 4:25 p.m.